(3)

SINGLE BENCH

c.s. 1001

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 4102 /2005

PETITIONER : D.K. Sahu, S/o. K.R. Sahu
Aged about 39 years
Principal Govt. Higher Secondary
School Khallari, District Durg
(C.G.)

P.R. No. 4402/05
Presented by Shri Sudhir Verma
dated 30/8/05

VERSUS

RESPONDENTS :
1. State of Chhattisgarh
Through : Secretary
Ministry of Tribal Welfare Dept.
D.K.S., Bhawan, Raipur (C.G.)
2. The Collector Durg
District Durg (C.G.)
3. The Assistant Commissioner
Tribal Development Durg
(C.G.)
4. A.K. Chandrakar
Principal, Govt. Higher Secondary
School Kuagondi, District Durg
(C.G.) sitting at Govt. Middle
School, Khallari Dist.Durg(C.G.)

शपथ आयुक्त
एस.के. शुक्ला
बिलासपुर तहसील कोर्ट

COPY

30/8/05

WRIT PETITION UNDER ARTICLE 226/227 OF

CONSTITUTION OF INDIA

(45)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....W.P. 4102/05..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	09/09/2005:- Mr. H.B. Agrawal, Sr. Advocate, with Mr. Sudhir Verma, learned counsel for the petitioner. Mr. Akhil Agrawal, learned Panel Lawyer, for the State of Chhattisgarh/respondents 1 to 3. Heard. By order dated 24/09/2004 D.K. Sahu, working as Principal, High School, Khallari, district Durg, was transferred to Higher Secondary School, Kuwa Gondi (Dondi), district Durg and respondent No.4 A.K. Chandrakar working as Principal, Higher Secondary School, Kusumkasha, district Durg was transferred to High School, Khallari, district Durg. The order dated 24/09/2004 was amended and by the amendment order 26/04/2005, the petitioner was transferred back to High School, Khallari and respondent No.4 was transferred to Higher Secondary School, Kuwagondi, district Durg. Respondent No.4 challenged ~~the transferred~~ the amendment order dated 26/04/2005 in writ Petition No.1868 of 2005. This Court by order dated 11/05/2005 while disposing of the aforesaid writ petition permitted respondent No.4,who was the petitioner in the said writ petition, to make a representation before the authorities. It was further directed that in the meanwhile, if respondent No.4 was not relieved from the then place of posting, he should not be relieved till the decision of the representation.	

(46)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP 4102/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel appearing for the petitioner submits that before the order dated 11/05/2005 has been passed in Writ Petition No.1868 of 2005, the petitioner joined High School, Khallari, district Durg as Principal pursuant to the order dated 26/04/2005. As such, respondent No.4 was not working at Khallari when the order dated 11/05/2005 was passed by this Court in Writ Petition No.1868 of 2005. Learned counsel further submits that the respondents have passed another order on 16/08/2005 transferring the petitioner as Principal, Higher Secondary, Kuwagondi, district Durg pursuant to the order passed by this Court.

The order dated 11/05/2005 was passed on the representation made by respondent No.4 that he was working at Khallari. As a matter of fact, the petitioner had already joined as Principal at High School, Khallari on 28/04/2005 before the order was passed. Hence, the order dated 16/08/2005 (Annexure-P/5) is not due to administrative exigency, but due to misunderstanding of the order dated 11/05/2005 passed by this Court.

Learned counsel appearing for the respondents/State does not dispute the facts of the case.

In view of foregoing, the petition is allowed and the impugned order dated 16/08/2005 is quashed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge